

21 June 1968

MEMORANDUM FOR THE RECORD

SUBJECT: Legislation Dealing with Employee-Management Relations

1. A number of bills pertaining to employee-management relations in the Federal Government have been introduced in both Houses. The bills fall primarily into two categories. One category (typified by S. 341 introduced on 16 January 1967 by Senators Brewster and Moss and referred to the Senate Post Office and Civil Service Committee, and H.R. 460 introduced on 10 January 1967 by Representative Daniels and referred to the House Post Office and Civil Service Committee) stems from Executive Order 10988 (January 18, 1962, FR 551) which deals with employee-management cooperation in the Federal service. One of the prime purposes of bills in this category is to enact Executive Order 10988 into law.

2. The other category of bills is typified by S. 3483 introduced on 13 May 1968 by Senator Bennett and 15 others and referred to the Committee on Post Office and Civil Service, and H.R. 17411 introduced on 21 May 1968 by Representative Benjamin Blackburn and 11 others and referred to the House Post Office and Civil Service Committee. These bills carry the short title of "Federal Employee Freedom of Choice Act of 1968." This category of bills may also be said to stem from Executive Order 10988 but only to the extent of enacting the first sentence of Section 1(a):

"Employees of the Federal Government shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity."

As indicated by the short title, S. 3483 and its companion bills appear to be emphasizing the right to refrain from joining employee organizations.

3. Federal Employee Labor-Management Acts. S. 341 and its companion bills adopt Section 16 of EO 10988 which exempts the FBI,

the CIA, and in a determination by the agency head any other agency performing intelligence, investigative, or security functions. This exemption goes to all sections of EO 10988 except Section 14 which deals with employee rights in adverse action cases in the competitive civil service. The only bill reviewed in this category which does not provide the exemption for CIA and others is H.R. 5393 introduced by Representative William F. Ryan on 23 January 1967.

4. Federal Employee Freedom of Choice Acts. S. 3483 and its companion bills are of concern to the Agency. Section 1 establishes a statutory right to form, join, and assist any employee organization as defined in the bill. As previously noted the source for this language is Section 1 of EO 10988, however, and no doubt inadvertently, S. 3483 does not contain the exemption for CIA and others that appears in Section 16 of that Executive Order. Should this category of bills become active, we should have no trouble in obtaining from the sponsors a total exemption for the Agency.

5. We have been advised that the House Manpower and Civil Service Subcommittee does not plan to schedule hearings on these measures. Recently, however, hearings have been scheduled in the Senate Committee for 11 July and there have been some indications of interest in the House. Even if this legislation becomes active it is doubtful that the measures would move beyond the hearing stage before this Congress adjourns.

6. The bills covered herein have, as a matter of course, been sent to Personnel and Security for review. Legislative Counsel will monitor the bills closely.

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Office of Legislative Counsel

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